

FILED
GREAT FALLS, MT

2008 APR 16 AM 8 33

PATRICK E. DUFFY, CLERK

BY _____

IN THE UNITED STATES DISTRICT COURT BUTTE DIVISION

FOR THE DISTRICT OF MONTANA

BUTTE DIVISION

JAMES D. BINGMAN,

Petitioner,

vs.

MIKE MAHONEY, Warden Montana State
Prison, and the ATTORNEY GENERAL OF
THE STATE OF MONTANA,

Respondents.

No. CV-06-90-BU-SEH

ORDER

On February 4, 2008, United States Magistrate Judge Keith Strong entered his Findings and Recommendation¹ in this matter. Plaintiff did not file objections. No review is required of proposed findings and recommendations to which no objection is made. Thomas v. Arn, 474 U.S. 140, 149-152 (1986). However, this Court will review Judge Strong's Findings and Recommendation for clear error.

Upon *de novo* review of the record, I find no clear error in Judge Strong's Findings and Recommendation and adopt them in full.

¹ Document No. 19

ORDERED:

1. The Petition for Writ of Habeas Corpus² is DISMISSED with prejudice.
2. A certificate of appealability is DENIED because the claims asserted in the Petition fail to allege a violation of federal law. 28 U.S.C. § 2254(a).
3. The Clerk of Court is directed to enter judgment accordingly.

DATED this 15th day of April, 2008.


SAM E. HADDON
United States District Judge

² Document No. 17